REMARKS

As requested in the Notice of Non-Compliant Amendment dated January 10, 2006, each claim now contains the proper status identifier.

Claims 1-26 are pending in the Application. Claims 1 and 14 are independent.

Applicant has amended the claims to further define the invention and move the claims toward allowance. Specifically, claims 1 and 14 have been amended to make clear that each electrode has its own local memory associated therewith. Claim 14 has also been amended to set forth positive steps to accomplish the intent of the preamble.

Support for this amendment may be found, for example, in paragraphs 12, 13, 17 and Figure 4 in the specification. Accordingly, no new matter is added to the application by this amendment.

Rejection Under 35 USC § 112, second paragraph

Claims 1-26 were rejected as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention. While not agreeing with the propriety of the rejection, in order to advance the claims toward allowance, Applicant has amended claims 1 and 14. Applicant agrees with the Examiner that that claims should be afforded broad scope. For example, as shown in Figure 4, several elements of the array may be formed above the substrate per se.

Rejection Under 35 USC § 102(a)

Claims 1-26 were rejected as allegedly anticipated by Heller (WO 95/12808). Heller teaches programmable electronic devices for molecular biological analysis and diagnostics. However, as is demonstrated in Figure 3 of Heller, for example, the circuitry associated

with each electrode is located off-chip. Accordingly, the electronic devices of Heller cannot be said to have a separate memory associated with each electrode as is disclosed and claimed in the instant invention. Thus, because Heller does not contain each and every limitation of the instantly claimed invention, Heller cannot be said to anticipate Claims 1-26.

Double Patenting Rejections

Claims 1, 10-11, 13-14 and 23-25 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-32 of US Pat. No. 5,965,452 and claims 1-24 of US Pat. No. 6,258,606. Claims 1-26 With respect to the rejection of Claims 1-26 based on the judicially-created doctrine of were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-31 of US Pat. No. 6,682,936 and claims 1-28 of US Pat. No. 6,867,048.

In response to these rejections, Applicant has submitted herewith a terminal disclaimer for the '452, '606, '936 and '048 patents.

In the event that claims 1-28 of co-pending application Serial No. 11/081,123 do, in fact, issue, Applicant will consider filing an additional terminal disclaimer as may be appropriate.

Applicant respectfully requests that the Examiner reconsider the claim rejections based on the foregoing discussion of the cited references. Applicant believes the pending claims are allowable over the cited art and respectfully requests a notice of allowability.

Respectfully submitted,

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